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500.0245
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Matsko
Serial No.: 09/629,170
Filed: July 31, 2000
For: METHOD AND APPARATUS FOR STORING RETAIL PERFORMANCE METRICS
Group: 3623
Examiner: Shaffer, Eric T.

Durham, North Carolina
April 27, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATION OF FACSIMILE TRANSMISSION

Sirs:

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax. No. 703-872-9306 on the date set forth below.

1. Amendment Transmittal (2 pages)
2. Comments on Statement for Reasons for Allowance (2 pages)

Vickie Diane Prior

Printed name of person signing



Signature

Date: April 27, 2005

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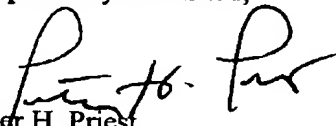
Comments on Statement for Reasons for Allowance

Sir:

The following comments are made with respect to the Reasons for Allowance mailed April 4, 2005, in the above case. As stated by the MPEP in Section 1302.14, "[w]here specific reasons are recorded by the examiner, care must be taken to ensure that statements of reason for allowance...do not place unwarranted interpretations, whether broad or narrow, upon the claims." Further, the "statement is not intended to necessarily state all the reasons for allowance or all the details why claims are allowed and should not be written to specifically or implicitly state that all the reasons for allowance are set forth."

Under 35 U.S.C. §103, it is mandated that claims be considered as a whole. When considered as a whole, it will be seen that the Examiner has appropriately focused upon particular reasons for allowance and not all the reasons for allowance. While in light of Section 1302.14, applicant does not believe that the Examiner's statement can or should be misconstrued as being intended to identify the sole reasons for allowance, applicant does not acquiesce in such a conclusion as there are multiple reasons for allowance of all of the claims. The reasons addressed are clearly exemplary and not exhaustive.

Respectfully submitted,



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